

1 DAVID A. DILLARD (State Bar #97515) - David.Dillard@cph.com
2 BRIAN K. BROOKLEY (State Bar #149522) - Brian.Brookley@cph.com
3 CHRISTIE, PARKER & HALE LLP
350 West Colorado Boulevard, Suite 500
3 Post Office Box 7068
3 Pasadena, California 91108-7068
4 Telephone: (626) 795 9900
4 Facsimile: (626) 577-8800
5
6 GEORGE A. RILEY (State Bar #118304) - GRiley@omm.com
6 O'MELVENY & MYERS LLP
7 Embarcadero Center West
7 275 Battery Street, Suite 2600
7 San Francisco, California 94111-3305
8 Telephone: (415) 984-8700
8 Facsimile: (415) 984-8701
9
10 JOHN C. KAPPOS (State Bar #171977) - JKappos@omm.com
10 DARIN J. GLASSER (State Bar #223788) - DGlasser@omm.com
11 O'MELVENY & MYERS LLP
11 610 Newport Center Drive, Suite 17th Floor
11 Newport Beach, California 92660-6429
12 Telephone: (949) 760-9600
12 Facsimile: (949) 823-6994
13
14 Attorneys for Defendants and Counterclaimant,
14 DISCUS DENTAL, INC.

15
16 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

17 BRITESMILE, INC. and BRITESMILE
18 DEVELOPMENT, INC.,

19 Plaintiffs,,

20 v.

21 DISCUS DENTAL, INC., SALIM NATHOO,
22 and ORAL HEALTH CLINICAL SERVICES,
22 LLC.,

23 Defendants.

24
25 AND ALL RELATED ACTIONS.
26

Case No. C02-03220 JSW

27
28 **JOINT STIPULATION
REGARDING BRIEFING
SCHEDULE ON BRITESMILE'S
MOTION TO DISMISS DISCUS
DENTAL'S COUNTERCLAIM
COUNTS IV-XII**

[PROPOSED] ORDER

Hearing Date: Nov. 4, 2005, 9:00 am
Place: Courtroom 2, 17th Floor
Judge: Jeffrey S. White

1 BriteSmile and Discus Dental, pursuant to Fed. R. Civ. P. 6(b) and the Court's
 2 Order of July 28, 2005, and by and through their undersigned counsel of record, hereby stipulate
 3 and request an extension of the briefing schedule on BriteSmile's motion to dismiss Discus
 4 Dental's Counterclaim Counts IV-XII, currently set for hearing on November 4, 2005. In
 5 accordance with the Order of July 28 (Docket No. 372), Discus Dental's opposition is due on
 6 August 19, 2005, and BriteSmile's reply, if any, is due on August 26, 2005. The parties stipulate
 7 and request an extension such that Discus Dental's opposition shall be due on September 16,
 8 2005 and BriteSmile's reply, if any, shall be due on September 23, 2005.

9 Ongoing settlement negotiations have, within the last few days, progressed to the
 10 point where this reasonable extension for filing an opposition to, and reply in support of,
 11 BriteSmile's motion to dismiss certain of Discus's counterclaims will allow the parties and their
 12 counsel to focus on settlement discussions. These extensions should not affect, and the parties do
 13 not request a continuance of, the hearing date, currently set for November 4, 2005.

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15 Dated: August 17, 2005

Dated: August 17, 2005

16

17 _____/s/
 18 Darin J. Glasser, Esq.
 19 O'Melveny & Myers LLP
 Attorneys for Defendant Discus Dental, Inc.

_____/s/
 Shirish Gupta, Esq.
 MAYER, BROWN, ROWE & MAW LLP
 Attorneys for Plaintiff BriteSmile, Inc.
 and BriteSmile Development, Inc.

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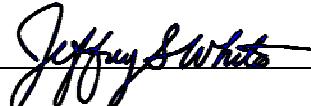
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25 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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27 August 18, 2005

28 Date


 Honorable Jeffrey S. White